

## **AFFIDAVIT REGARDING PUBLIC USE AND ON SALE ACTIVITY**

I, David M. Kuchar, being of full age, under full pains and penalties of perjury, hereby depose and say:

1. I am the Applicant in the currently pending US Patent Application No. 10/605,028 (hereinafter the '028 Application), filed on September 2, 2003 in the United States Patent and Trademark Office (USPTO).
2. I am also the Applicant in a prior US Patent Application No. 09/300,771 (hereinafter the '771 Application) filed on April 27, 1999 in the USPTO for the same invention as the '028 Application.
3. The '771 Application was unintentionally abandoned for my having failed to file a reply to the USPTO Office Action dated October 3, 2000.
4. The '028 Application does not claim priority of the '771 Application.
5. The invention disclosed and claimed in both the '028 and '771 Applications has never been disclosed to the public, has never been published in any printed publication, has never been on sale, and has never been in public use.

Signed this 20th Day of December 2004 under pains and penalties of perjury.



David M. Kuchar, Applicant